

BILL ANALYSIS

H.B. 2096
By: Thompson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is concern that the Health and Safety Code currently does not designate a court of competent jurisdiction to receive and rule upon a writ of habeas corpus in mental health cases. H.B. 2096 seeks to address this concern by granting the court of appeals for the county in which the order is entered jurisdiction to receive and rule upon such cases, without limiting the rights of any party to appeal a court of appeals ruling to a higher court.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2096 amends the Health and Safety Code to require, for purposes of provisions relating to a patient's rights under the Texas Mental Health Code, a petition for a writ of habeas corpus to be filed in the court of appeals for the county in which the order is entered and to remove a provision specifying that the Texas Mental Health Code does not limit a person's right to obtain a writ of habeas corpus.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.